

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

' Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$69,800,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. A-2. Records of bonds issued kept by Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the debt service account established for the retirement of these bonds.

Sec. A-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Transportation.

Sec. A-6. Allocations from General Fund bond issue.The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF TRANSPORTATION

General Fund

	\$34,800,000
Provides funds for state highway reconstruction and paving.	
	\$27,000,000
Provides funds for railroads, including \$17,000,000 to purchase and preserve approximately 240 miles of railroad track in Aroostook County currently owned and operated by the Montreal, Maine and Atlantic Railway, which track upon acquisition by the State must be operated by a rail operator chosen through a competitive process, in consultation with shippers and other stakeholders of the track; \$5,000,000 to purchase a portion of rail line and to make other improvements related to improved freight rail service and preparation for future passenger rail service to Lewiston and Auburn; and \$5,000,000 for repairs and improvements of the portions of the Mountain Division Railroad owned by the State.	
	\$8,000,000
Provides funds for marine-related improvements, including \$7,000,000 for the Ocean Gateway deep water pier and \$1,000,000 for challenge grants from the Small Harbor Improvement Program.	

Sec. A-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. A-8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. A-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. A-10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of June following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$69,800,000 bond issue to create jobs in Maine through improvements to highways, railroads and marine facilities, including port and harbor structures?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART B

Sec. B-1. PL 2009, c. 414, Pt. C, §1 is amended to read:

Sec. C-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$10,250,000\$15,450,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. B-2. PL 2009, c. 414, Pt. C, §6 is amended to read:

Sec. C-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Safe Drinking Water Revolving Loan Fund

Provides funds for a drinking water revolving loan fund to acquire, design, plan, construct, enlarge, repair, protect or improve drinking water supplies or treatment systems to be matched by ~~\$17,000,000~~\$27,000,000 in other funds.

~~\$3,400,000~~ \$5,400,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Community Grant Program

Provides funding for grants to towns to help replace malfunctioning septic systems that are polluting a water body or causing a public nuisance.

\$1,000,000

Wastewater Treatment Facility State Revolving Loan Fund

Provides funds for a wastewater treatment facility state revolving loan fund to be matched by ~~\$15,000,000~~\$31,000,000 in other funds.

~~\$3,000,000~~ \$6,200,000

Uncontrolled Sites

Provides funds to investigate and clean up uncontrolled hazardous substance contamination at sites posing unacceptable threats to public health and water quality.

\$750,000

Wastewater Treatment Facility Construction Grants

Provides funds for wastewater treatment facility construction grants to be matched by \$900,000 in other funds.

\$600,000

Overboard Discharge

Provides funds to assist homeowners whose homes are serviced by substandard or malfunctioning waste water treatment systems, including straight pipe discharges, individual overboard discharge systems, subsurface waste water disposal systems, septic tanks, leach fields and cesspools, which systems result in direct discharges of domestic pollutants to the surface waters of the State.

\$500,000

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

Agriculture Water Source Development Program

Provides funds to assist farmers in the development of environmentally sound water sources to manage weather-related risk and to comply with in-stream flow rules that will leverage \$350,000 in other funds.

\$1,000,000

Sec. B-3. PL 2009, c. 414, Pt. C, §10 is amended to read:

Sec. C-10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in June 2010 following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a ~~\$10,250,000~~\$15,450,000 bond issue to improve water quality, support drinking water programs and the construction of wastewater treatment facilities and to assist farmers in the development of environmentally sound water sources that will leverage ~~\$33,250,000~~\$59,250,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART C

Sec. C-1. PL 2009, c. 414, Pt. D, §1 is amended to read:

Sec. D-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding ~~\$33,500,000~~\$38,500,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. C-2. PL 2009, c. 414, Pt. D, §6 as amended by PL 2009, c. 571, Pt. PP, §2, is further amended to read:

Sec. D-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

PUBLIC UTILITIES COMMISSION

EFFICIENCY MAINE TRUST

Public Utilities Commission Efficiency Maine Trust

Provides funds for weatherization and energy efficiency programs for low and middle income households and small businesses. If the energy efficiency programs of the commission are transferred to another entity established by the Legislature, the commission shall transfer all unexpended funds to that entity. \$12,000,000

UNIVERSITY OF MAINE SYSTEM

University of Maine System

Provides funds for energy and infrastructure upgrades at all campuses of the University of Maine System. \$9,500,000

MAINE COMMUNITY COLLEGE SYSTEM

Maine Community College System

Provides funds for energy and infrastructure upgrades at all campuses of the Maine Community College System. \$5,000,000

MAINE MARITIME ACADEMY

Maine Maritime Academy

Provides funds for energy and infrastructure upgrades at the Maine Maritime Academy. \$1,000,000

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

UNIVERSITY OF MAINE SYSTEM

Maine Marine Wind Energy Demonstration Site Fund

Provides funds for research, development and product innovation associated with developing one or more ocean wind energy demonstration sites. It also provides funding for robotics equipment to accelerate wind energy components manufacturing in the State. The funds will leverage \$24,500,000 in other funds. \$6,000,000 \$11,000,000

Sec. C-3. PL 2009, c. 414, Pt. D, §10 is amended to read:

Sec. D-10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in June 2010 following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

~~"Do you favor a \$33,500,000 bond issue to provide for investments in weatherization and energy efficiency projects; for infrastructure and energy efficiency upgrades at campuses of the University of Maine System, the Maine Community College System and the Maine Maritime Academy; and for the creation of a fund to develop one or more ocean wind energy demonstration sites?"~~

"Do you favor a \$38,500,000 bond issue that will create jobs through investment in an off-shore wind energy demonstration site and related manufacturing to advance Maine's energy independence from imported foreign oil, that will leverage \$24,500,000 in federal and other funds; energy improvements at campuses of the University of Maine System, Maine Community College System and Maine Maritime Academy in order to make facilities more efficient and less costly to operate; and weatherization and energy efficiency projects through Efficiency Maine Trust programs?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART D

Sec. D-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$5,000,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature. The bonds may not be issued before July 1, 2011.

Sec. D-2. Records of bonds issued kept by Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. D-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the debt service account established for the retirement of these bonds.

Sec. D-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. D-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Health and Human Services.

Sec. D-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

\$5,000,000

Provides funds to be awarded on a competitive basis, \$3,500,000 to be used for a community-based teaching clinic affiliated with or operated by a college of dental medicine to be matched by \$3,500,000 in other funds, and \$1,500,000 to be used to upgrade community-based health and dental care clinics across the State to increase their capacity as teaching clinics.

Sec. D-7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. D-8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. D-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. D-10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$5,000,000 bond issue to be awarded on a competitive basis to increase access to dental care in Maine, \$3,500,000 to be used for a community-based teaching dental clinic affiliated with or operated by a college of dental medicine to be matched by \$3,500,000 in other funds, and \$1,500,000 to be used to create or upgrade community-based health and dental care clinics across the State to increase their capacity as teaching and dental clinics?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART E

Sec. E-1. 22 MRSA §2127, sub-§6-A is enacted to read:

6-A. Monitoring of grants. The program director or chief executive officer under subsection 2, paragraph C, subparagraph (3) shall monitor contracts resulting from grant awards established by the department concerning community-based dental clinics affiliated with or operated by a school of dentistry.

PART F

Sec. F-1. Oral Health Advisory Committee. The Department of Health and Human Services shall establish the Oral Health Advisory Committee, referred to in this Part as "the committee," to award a \$3,500,000 grant to create a teaching dental clinic pursuant to subsections 3 and 4 and to award \$1,500,000 in grants pursuant to subsection 5, subject to the passage of the referendum set out in Part D.

1. Membership. The program director or chief executive officer of the oral health program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention under the Maine Revised Statutes, Title 22, section 2127 is designated the chair of the committee and shall appoint the following 6 members:

- A. A representative of a group representing individuals licensed to practice dentistry in this State;
- B. A representative of a statewide organization representing low-income individuals;
- C. A representative of an organization representing community-based health care clinics;
- D. An individual representing community-based dental clinics;
- E. A representative of a foundation based in this State committed to improving the health of citizens in this State who has experience funding direct service for dental care; and
- F. An individual representing Maine veterans of the United States Armed Forces or the Maine National Guard who has experience with dental care.

2. Appointments. The committee must be appointed and convene within 30 days of the passage of the referendum set out in Part D.

3. Duties. The committee shall create an application for the grant for a teaching dental clinic for interested parties within 60 days of the passage of the referendum in Part D. The committee shall hold a bidders conference within 7 days following issuance of the applications, after which an applicant has 18 days to complete and submit the application. The committee shall award the grant before March 1, 2011.

4. Grant criteria. The committee shall use the following criteria in awarding the grant.

A. The recipient must:

- (1) Be a postsecondary institution with its primary campus located in the State;
- (2) Be accredited by a regional accrediting agency approved by the United States Department of Education;
- (3) Have a board of trustees that has previously approved a degree program that grants a doctorate of dental medicine or a doctorate of dental surgery;
- (4) Have educational programs for health professions that are academically and clinically based; and
- (5) Offer a degree in public health.

B. The recipient must demonstrate financial capacity to start and sustain an accredited program in dental medicine that supports long-term access to dental care in the State.

C. The recipient must demonstrate an ability to match state funding on a one-to-one basis.

5. Distribution of balance of bond. Following the award of the grant under subsections 3 and 4, the recipient shall identify 2 members of its organization to join the committee to establish an application process for the \$1,500,000 in clinic grants under Part D. A recipient of a grant under this subsection must:

- A. Be from an underserved community that has a demonstrated need for dental care;
- B. Be a qualified health care provider, including, but not limited to, federally qualified health care centers, veterans' health care facilities, health care facilities established by the United States Department of Defense serving active duty military personnel, Maine-based nonprofit health care centers and municipally supported health care clinics; and
- C. Demonstrate a capacity to accommodate dental students.

6. Completion date. The grants under subsection 5 must be awarded by December 1, 2011, and following disbursement of these grants the committee terminates.

PART G

Sec. G-1. Contingent effective date. That Part of this Act that enacts the Maine Revised Statutes, Title 22, section 2127, subsection 6A and that Part of this Act that directs the Department of Health and Human Services to establish the Oral Health Advisory Committee take effect only if the General Fund bond issue proposed in Part D is approved by the voters of the State.

PART H

Sec. H-1. Transfer from short-term emergency contingency account. The State Controller shall transfer \$2,128,500 from the short-term emergency contingency account established pursuant to Public Law 2009, chapter 571, Part KK to the General Fund unappropriated surplus no later than June 30, 2010.

Sec. H-2. Appropriations and allocations. The following appropriations and allocations are made.

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury 0021

Initiative: Provides funding for debt service in fiscal year 2010-11 to accommodate an additional \$85,000,000 bond authorization.

GENERAL FUND	2009-10	2010-11
All Other	\$0	\$2,128,500
GENERAL FUND TOTAL	\$0	\$2,128,500

SUMMARY

Part A authorizes a \$69,800,000 bond issue for improvements to highways, railroads and marine facilities, including port and harbor structures. Part A requires a June 2010 referendum.

Part B increases the amount of the bond request in Public Law 2009, chapter 414, Part C by \$5,200,000 for the Safe Drinking Water Revolving Loan Fund and the Wastewater Treatment Facility State Revolving Loan Fund.

Part C amends Public Law 2009, chapter 414, Part D to increase the amount of the bond request for the Maine Marine Wind Energy Demonstration Site Fund by \$5,000,000 so that the Efficiency Maine Trust programs can accelerate wind energy components manufacturing in Maine.

Part D authorizes a \$5,000,000 bond issue. An amount of \$3,500,000 is to be awarded on a competitive basis for a community-based teaching clinic affiliated with or operated by a college of dental medicine and \$1,500,000 is to be used to upgrade community-based health and dental care clinics across the State to increase their capacity.

Part E establishes a regular monitoring requirement regarding grant recipients of funding authorized in Part D.

Part F establishes the Oral Health Advisory Committee to award the funds authorized in Part D.

Part G makes Part E and Part F contingent on passage of the General Fund bond issue described in Part D.

Part H transfers \$2,128,500 from the short-term emergency reserve account to offset the General Fund appropriations added for the additional debt service costs in fiscal year 2010-11.

FISCAL NOTE REQUIRED

(See attached)